

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

THURSDAY, MAY 18, 2023
Courtroom 5D
Baltimore, Maryland

TRANSCRIPT OF PROCEEDINGS
SENTENCING
BEFORE THE HONORABLE RICHARD D. BENNETT

For the Government:

12 Paul A. Budlow, Esquire
13 Colleen McGuinn, Esquire
14 US Attorney's Office
15 36 South Charles Street, 4th Floor
16 Baltimore, MD 21201

For the Defendant:

16 David Walsh-Little, Esquire
17 Law Office of David Walsh-Little, LLC
18 1014 West 36th Street
19 Baltimore, MD 21211

19 || Also Present:

20 Rachel Corn, FBI Agent
21 Richard Gianforcaro, FBI Agent
21 Paige Cameron, US Probation Agent

(Computer-aided Transcription of Stenotype Notes)

Reported by: Amanda L. Longmore, RPR, FCRR
Federal Official Court Reporter
101 W. Lombard Street, 4th Floor
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PROCEEDINGS

(Call to Order of the Court.)

4 THE COURT: Good morning, everyone. This is calling
5 the case of the United States versus Summer McCroskey, Criminal
6 Number RDB-22-220. The defendant was one of two defendants
7 indicted in a 22-count indictment charging conspiracy to commit
8 sexual exploitation and sexual exploitation of a child, along
9 with her husband Lawrence Colby, and he has yet to be
10 sentenced. They both pled guilty. And we are here for
11 sentencing today.

12 The masking policies of this court have previously
13 required that masks be worn in all public areas of the
14 courthouse with the exception in the discretion of the
15 presiding judge in a courtroom proceeding. Those rules have
16 now been revised so that masks are no longer required in the
17 public areas of the courthouse. It is still within the
18 discretion of the presiding judge in the courtroom.

19 My policy continues, in light of even a recent event in
20 this courthouse last Friday that resulted in it being a
21 spreader event that I do require that masks be worn in this
22 courtroom by those who have not been fully vaccinated and
23 boosted. So I inquire of the vaccination status of counsel and
24 the parties before me, and I inquire of the members of the
25 public who are here, and it's on an honor system but if you

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1 have not been fully vaccinated and boosted, I'll check in a
2 moment, I'll ask you to raise your hands. we have plenty of
3 masks here for people to wear. And we're not quite through the
4 pandemic yet. As I said, there was an event within the last 10
5 days in this courthouse that caused quite a few people to come
6 down positive, so we're not out of the woods yet. So my
7 courtroom still remains retrofitted with Plexiglass and I still
8 take that precaution here.

9 So with that, if counsel would identify themselves for the
10 record, please.

11 MR. BUDLOW: Good morning, Your Honor. For the
12 United States, Assistant United States Attorney Paul Budlow.

13 THE COURT: And Mr. Budlow, you have been fully
14 vaccinated, correct?

15 MR. BUDLOW: Yes.

16 THE COURT: And with you is Assistant US Attorney
17 Colleen McGuinn. And Ms. McGuinn, you have been fully
18 vaccinated?

19 MS. MCGUI NN: Yes, Your Honor, I have.

20 THE COURT: Thank you. And then we have with us US
21 Probation Officer Paige Cameron. And Ms. Cameron, you've been
22 fully vaccinated?

23 MS. CAMERON: Yes, Your Honor.

24 THE COURT: So thank you very much. Let me make a
25 note here. And so you all may be seated. with you we have FBI

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1 Agents, Special Agents Rachel Corn and Richard Gianforcaro.

2 Mr. Gianforcaro, am I pronouncing your name correctly?

3 MR. GIANFORCARO: Yes, sir.

4 THE COURT: Have you both been fully vaccinated?

5 MR. GIANFORCARO: I have, Your Honor.

6 MS. CORN: Yes.

7 THE COURT: Thank you. Again, you're permitted to
8 wear masks if you desire but you don't have to.

9 And on behalf of the defendant?

10 MR. WALSH-LITTLE: Good morning, Your Honor. David
11 walsh-Little on behalf of Summer McCroskey. She's to my right.

12 THE COURT: Yes. Mr. Walsh-Little, nice to see you,
13 and you are court appointed in this case.

14 MR. WALSH-LITTLE: Yes, Your Honor.

15 THE COURT: And I want to thank you for your service
16 to the Court in that regard. The record will reflect that
17 Mr. Walsh-Little is well known to the Court and a former
18 Assistant Federal Public Defender and is now in private
19 practice and has been appointed court-appointed counsel in this
20 case.

21 And last but certainly not least, Ms. McCroskey, good
22 morning to you.

23 THE DEFENDANT: Good morning.

24 THE COURT: And have you been fully vaccinated?

25 THE DEFENDANT: No, sir.

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1 THE COURT: All right. Well, then you'll have --
2 Mr. Walsh-Little, if you'll retrieve a mask here,
3 Ms. McCroskey, you will wear that mask unless I'm speaking with
4 you and you're responding to me, but you will keep that mask on
5 during these proceedings.

6 And with respect to members of the public, whoever's here,
7 those of you that have not been fully vaccinated and boosted,
8 if you would raise your right hand, please. I am pleased to
9 confirm that everyone has kept their hands down and
10 indicates -- we're on an honor system here but you've all been
11 fully vaccinated. So with that, we are ready to proceed.

12 There's clearly been a notice to victims in this matter,
13 not only as to the infant child who was a victim here with
14 respect to Counts 1, 2, 3, 5, 7, 8, 9, and 10; as well as
15 distribution of child pornography, Counts 11, 12, 13, 15, and
16 17; but also the possession of child pornography, Counts 19,
17 20, and 21, in light of the victim impact statements that I've
18 received. Is that correct, Mr. Budlow? Clearly there's been a
19 notice to victims.

20 MR. BUDLOW: Yes, Your Honor.

21 THE COURT: Now, so we clarify that, I have numerous
22 impact statements, victim impact statements that are not
23 related to some of the counts here or many of the counts that
24 relate to a particular minor victim here. And I'm just
25 verifying that these victim impact statements come from many

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1 victims in terms of the Internet child pornography chain,
2 including the Tara series and others. And I've seen these
3 impact statements before. I'm just confirming that's what --
4 there's a whole batch of these that all relate to either the
5 distribution or the possession of child pornography, correct,
6 Mr. Budlow?

7 MR. BUDLOW: With one exception, which I believe
8 you're going to get to. So there's a batch that were sent
9 earlier that all relate to those images that were distributed
10 or found on devices. There's one victim impact statement that
11 does come from a representative of the victim of the Counts 1
12 through 10.

13 THE COURT: Okay. It comes from a representative of
14 the victim in count -- the infant victim --

15 MR. BUDLOW: Yes.

16 THE COURT: -- subject in this case.

17 MR. BUDLOW: That's correct.

18 THE COURT: Well, I've read through all of these.
19 This is a considerable amount of material I have up here and
20 I've read through that. I'm just not sure which one that was
21 and so I just -- was sort of lost in a series of -- because I
22 always look through these but, as you know, there are a series
23 of, you know, the Helga series, the Tara series, many of these,
24 and so I went through all the victim impact statements. Which
25 one are you referring to? I'm sorry.

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1 MR. BUDLOW: Your Honor, I have a copy with me.

2 THE COURT: That would be helpful. It would save
3 time.

4 MR. BUDLOW: I think the end of last week or the
5 beginning of this week, but if I can approach.

6 THE COURT: Mr. Walsh-Little, you have a copy of
7 that, correct?

8 MR. WALSH-LITTLE: Yes, Your Honor. I do.

9 THE COURT: Mr. Carrick, if you'll retrieve that.
10 Thank you, Mr. Budlow. Let me just take a look here.

11 Yes, I will hold this and will be addressing this during
12 allocution then, Mr. Budlow. As know these others, essentially
13 there had been an effort, there had been a request to make them
14 part of the presentence report in this case, correct,
15 Mr. Budlow?

16 MR. BUDLOW: Yes, Your Honor.

17 THE COURT: But they've not yet been made part of it,
18 have they? I don't believe.

19 MR. BUDLOW: No, Your Honor.

20 THE COURT: If you'll come and retrieve these, take a
21 look at these for a moment just to make sure that I have all of
22 those. Mr. Carrick, why don't you look at those and we'll make
23 sure that that supplements the presentence report and
24 Ms. Cameron can do so accordingly after these proceedings.

25 You can do that, correct, Ms. Cameron?

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1 MS. CAMERON: Yes, Your Honor. I would note --

2 THE COURT: Just take a quick look, Mr. Budlow. I'm
3 fairly certain that all of those -- I know one is from the Tara
4 series. Ms. McGuinn can take a look as well.

5 MR. BUDLOW: Yes, Your Honor.

6 THE COURT: All right. Then I will have those marked
7 as Court Exhibit 1 and, Mr. Carrick, if you'll coordinate with
8 Ms. Cameron at the conclusion of these proceedings, and they
9 will be made part of the record in the case, part of the
10 presentence report. Is that agreeable to you, Mr. Budlow?

11 MR. BUDLOW: Yes.

12 THE COURT: Agreeable to you, Mr. Walsh-Little?

13 MR. WALSH-LITTLE: Yes, Your Honor.

14 THE COURT: All right. So with that, Ms. -- I would
15 also note before we have Ms. McCroskey stand that there was a
16 preliminary order of forfeiture submitted in this case which
17 was signed by me yesterday with respect to the forfeiture of
18 certain assets here, including an iPhone -- a Samsung, iPhone,
19 a Motorola, computer equipment. All of that is Paper Number 67
20 that was signed yesterday and is a matter of record here.

21 And there was also an order that was previously signed
22 with respect to the disclosing sealed filings and I think that
23 related to the matter of the Cecil County Department of Social
24 Services and a request with respect to certain rights having to
25 do with the infant victim in this case, Mr. Budlow, and that

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1 has been signed. There's nothing further for me to do on that.

2 MR. BUDLOW: That's correct, Your Honor. Those
3 documents have been provided.

4 THE COURT: They've lawfully been provided and Ms. --
5 thank you. You can keep them down with you. Thank you very
6 much on that. So with that, I think that we are ready to
7 proceed here.

8 If you'll please stand, Ms. McCroskey. I want to verify
9 that you've had an opportunity to review the Presentence
10 Investigation Report in this case which was prepared by
11 Ms. Paige Cameron. Have you had an opportunity to review it?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: And approximately how many times have you
14 discussed it with Mr. Walsh-Little?

15 THE DEFENDANT: About four or five times.

16 THE COURT: Are you satisfied you've had a sufficient
17 amount of time to go over it with him?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And there are no corrections or
20 objections by the Government; is that correct, Mr. Budlow?

21 MR. BUDLOW: That is correct.

22 THE COURT: And Mr. Walsh-Little, as to any of your
23 corrections, they mainly related I believe to just references
24 to another child [REDACTED]

25 [REDACTED].

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1 MR. WALSH-LITTLE: I would withdraw that, Your Honor.

2 THE COURT: Okay. That's withdrawn. So are there
3 any other corrections or objections?

4 MR. WALSH-LITTLE: No, Your Honor.

5 THE COURT: All right. So there are no other
6 corrections or objections to address here. I would note just
7 for the record that on May the 15th, Monday of this week, I
8 reviewed a 15-minute tape in the presence of counsel with
9 respect to the depiction of the abuse of the infant victim in
10 this case that relates -- the infant victim in this case
11 relates to both not only Count 1 and Counts 2, 3, 5, 7, 8, 9,
12 and 10, but also as to some, if not all, of the charges as to
13 distribution, Counts 11, 12, 13, 15, and 17.

14 Is that right, Mr. Budlow?

15 MR. BUDLOW: Yes, Your Honor.

16 THE COURT: All right. Now, the infant victim then
17 relates to all of those. She does not relate specifically to
18 Counts 19, 20, and 21 in terms of possession of child
19 pornography?

20 MR. BUDLOW: Court's indulgence.

21 THE COURT: All right. I'm just trying to clarify, I
22 know that there's also victims of the various series here.

23 MR. BUDLOW: The images that are the subjects of the
24 production counts.

25 THE COURT: Yes.

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1 MR. BUDLOW: Some of those were on those devices.

2 THE COURT: Okay. 19, 20, and 21 include other
3 matters as well?

4 MR. BUDLOW: That's correct.

5 THE COURT: All right. Fine. Yes, obviously in
6 terms -- to the extent that there's possession of -- depiction
7 as to the infant victim here in this case, that would be --
8 relate to those counts as well anyway. That material was
9 reviewed by me on May 15th and I indicated at that time that
10 that tape would be introduced as Government Exhibit 1 for
11 purposes of today's proceeding.

12 Mr. Budlow, do you have that particular exhibit marked as
13 Government Exhibit 1?

14 MR. BUDLOW: We have already marked it as Government
15 Exhibit 1, yes.

16 THE COURT: All right. We can submit that now, if
17 you like, make it part of the record, to be included in the
18 record or you want --

19 MR. BUDLOW: Because it contains contraband, what
20 I've done in the past is just put a court sticker on it and
21 then the FBI places it in evidence.

22 THE COURT: That's perfectly fine. That's perfectly
23 fine. So that's the way that will be handled just as a matter
24 of record here if there's any question about it.

25 MR. BUDLOW: Yes.

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1 THE COURT: Thank you, Mr. Budlow. So with that, let
2 me just go over the process here, Ms. McCroskey, with respect
3 to the sentencing procedure in this matter.

4 Mr. Walsh-Little, are there any family members here with
5 Ms. McCroskey today?

6 MR. WALSH-LITTLE: No, Your Honor.

7 THE COURT: Are there any witnesses you intend to
8 call on her behalf other than giving her -- I'll give her an
9 opportunity to speak to the Court?

10 MR. WALSH-LITTLE: No, Your Honor.

11 THE COURT: All right. I know I went over this with
12 you when you pled guilty before me on February the 2nd,
13 Ms. McCroskey, but I'll go over this with you again.

14 There are basically -- you pled guilty not pursuant to any
15 plea agreement but essentially pled guilty to the indictment.
16 There are two key opinions of the United States Supreme Court
17 that outline the process for sentencing in federal courts, and
18 this is true for all federal courts in the United States.

19 First of all, in a case of United States versus Booker in
20 January of 2005, the United States Supreme Court upheld the
21 constitutionality of the Federal Sentencing Guidelines which
22 are referenced in the Presentence Investigation Report. But
23 the Supreme Court upheld the constitutionality of the Federal
24 Sentencing Guidelines with the deletion of two particular
25 sections of the guidelines which had previously rendered the

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1 guidelines mandatory. These are the guidelines that result
2 from the Sentencing Reform Act in the 1980s. Specifically, the
3 Supreme Court in the Booker case, now over 18 years ago, held
4 that with the deletion of those particular mandatory provisions
5 of the guidelines, the balance of the Federal Sentencing
6 Guidelines was constitutional. And the Supreme Court held that
7 with the deletion of those, the Federal Sentencing Guidelines
8 were rendered effectively advisory or to be applied in an
9 advisory context, meaning that federal judges, while not bound
10 to apply the guidelines, must still consult them and take them
11 into account when imposing a sentence, subject to review by
12 courts of appeals for unreasonableness.

13 The guilty plea in this case was such that there is no
14 plea agreement, and the record will reflect that the Government
15 is free to appeal the sentence I ultimately impose here today
16 if it feels it's not appropriate, and your attorney,
17 Mr. Walsh-Little, has preserved the right to appeal any
18 sentence I impose in this case if he feels it's too harsh.

19 Do you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Have I correctly summarized that from the
22 point of view of the Government, Mr. Budlow?

23 MR. BUDLOW: You have, Your Honor.

24 THE COURT: Correct from your point of view,
25 Mr. Walsh-Little?

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1 MR. WALSH-LITTLE: Yes, Your Honor.

2 THE COURT: All right. The factors I'm going to be
3 considering here will include not only the guidelines but also
4 other factors under 18 United States Code § 3553. Those
5 factors include your personal history and characteristics, the
6 nature and circumstances of this offense, which are horrific to
7 say the least, and other factors, as well as factors --
8 sentences imposed upon similarly situated individuals.

9 Although I would note [REDACTED]

10 [REDACTED]
11 [REDACTED] I really have had difficulty finding
12 any similar cases.

13 I said there were two key opinions, and the second of
14 those two key opinions of the Supreme Court, there's the case
15 of Gall versus the United States which was decided in December
16 of 2007, about three years after the Booker case, in which the
17 Supreme Court specifically noted that federal judges should not
18 presume that the guideline range is reasonable but it is a
19 starting point in a multistep process pursuant to which first
20 there's a calculation of the advisory guideline range and then
21 there's a consideration of other factors apart from the
22 guidelines, the goal being to impose a sentence which is
23 sufficient but not greater than necessary to achieve the goals
24 of sentencing.

25 So here in a few moments I will hear from the Government

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1 in allocution, I'll hear from Mr. Walsh-Little, and I will give
2 you an opportunity to address the Court as well.

3 Do you understand that general process?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And have you discussed the matter of the
6 Federal Sentencing Guidelines with your attorney,
7 Mr. Walsh-Little?

8 THE DEFENDANT: Yes.

9 THE COURT: Now, a few other housekeeping matters I
10 need to address in terms of -- first of all, I note that there
11 has been some reference to your suffering from depression and
12 certain mental health issues, and I want to clarify, are you on
13 any kind of medication today?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And just looking here through the
16 Presentence Investigation Report -- hold on one second here.
17 Did you take medication this morning?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And what medication did you take?

20 THE DEFENDANT: I took a BuSpar and a Claritin, and
21 they have me on a new antipsychotic medication and I don't know
22 the name of it.

23 THE COURT: All right. And what time did you take
24 that medication this morning?

25 THE DEFENDANT: Around 6 o'clock.

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1 THE COURT: And you take that every day?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And is that having any negative effect
4 upon you here today?

5 THE DEFENDANT: No, sir.

6 THE COURT: Mr. Walsh-Little, are you satisfied that
7 Ms. McCroskey is competent to proceed with sentencing here
8 today?

9 MR. WALSH-LITTLE: Yes, Your Honor. I'm satisfied.

10 THE COURT: So with that, the last housekeeping
11 matter are the procedures required by the PROTECT Act of 2003,
12 which is a law that was passed by the US Congress in that year,
13 and among the many provisions of the PROTECT Act there are
14 provisions that relate to federal courts when imposing
15 sentences in federal criminal cases.

16 Specifically, the PROTECT Act requires that the chief
17 Judge of each federal court in the United States ensure that
18 within 30 days of the imposition of sentence that certain
19 documents go over to the US Sentencing Commission in
20 Washington. Those documents include the Judgment and
21 Commitment Order, which I'll be preparing immediately after
22 these proceedings with the assistance of Mr. Carrick, the
23 courtroom deputy clerk; the statement of reasons for the
24 sentence imposed; a copy of any plea agreement in the case,
25 which is not applicable here, there are letters that were

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1 submitted that were introduced at the time you pled guilty on
2 February the 2nd but there is no plea agreement; a copy of the
3 indictment in this case, which is a 22-count indictment in
4 which you're charged in counts -- in 16 of those 22 counts; the
5 Presentence Investigation Report and any other information the
6 Sentencing Commission finds appropriate. All that information
7 goes over to the US Sentencing Commission in Washington. And
8 the Chief Judge of this court in 2003 directed the Probation
9 Office to forward these documents to the US Sentencing
10 Commission in Washington.

11 That means that some of these documents, Ms. McCroskey,
12 may be subject to review by other public officials over in
13 Washington or perhaps by even members of the public. And for a
14 long period of time it has been the policy here in this court
15 that there is a section marked "Defendant Characteristics" in
16 the Presentence Investigation Report containing confidential
17 family information, [REDACTED]

18 [REDACTED]
19 [REDACTED]
20 [REDACTED] and other information including your mental health
21 history.

22 All that type of information is in the Defendant
23 Characteristics Section Part C, and pursuant to an
24 Administrative Order dating back almost 20 years and revised in
25 2015, Part C of the presentence report containing that kind of

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1 confidential family information is subject to administrative
2 seal here at the Court. I have reviewed it, another judge of
3 this court could review it if he or she so chose, none have,
4 and members of the US Sentencing Commission over in Washington
5 can review it but no one else is permitted to see it absent
6 further order of this court. Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: That means that technically the President
9 of the United States could request to see it and he would have
10 to seek an order for me to clear it for even him to review it.
11 Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: To all other extent, the requirements of
14 the PROTECT Act are still mandated and to be complied with.

15 Now, I said the first step here is a calculation of the
16 advisory guideline range which is set forth on Pages 9 through
17 14 of your Presentence Investigation Report and as to which
18 there's no objection either by Government counsel or your
19 counsel. It relates to the base offense level as to the
20 distribution of child pornography in Counts 11, 12, 13, 15, 17,
21 19, 20, 21, and 9. It relates to the -- essentially the
22 calculation of the offense level here.

23 As to Group 2, the sexual exploitation of a child that is
24 charged in Counts 2, 3, 5, 7, 8, 9, and 10. It relates to
25 another grouping with respect to the remaining charges in this

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1 case. Suffice it to say, with the complex Federal Sentencing
2 Guidelines and grouping rules, it comes to a total offense
3 level of 58. There is a two-level downward adjustment because
4 of your acceptance of responsibility. And, Mr. Budlow, it's my
5 understanding the Government is moving for a third level in
6 that regard; is that right?

7 MR. BUDLOW: I would move for that level, yes.

8 THE COURT: That will be granted. There was no plea
9 agreement but it will be granted. So there's a total offense
10 level of 43, which is as high as the sentencing guideline table
11 goes in terms of offense levels.

12 You have no known criminal convictions of any kind. The
13 only criminal matter on your record is the state case which
14 related to this case which was essentially nolle-prossed by the
15 state authorities when it was referred to the FBI and federal
16 authorities.

17 So with a total offense level of 43 and Criminal History
18 Category of I, your sentencing guideline range is life
19 imprisonment is essentially what the guideline range is in this
20 case. There are no disputed matters for me to address in terms
21 of that calculation.

22 So with that, I believe unless there's anything further
23 from counsel, you may be seated, and I'll first hear from
24 Mr. Budlow or Ms. McGuinn speaking on behalf of the Government,
25 and I have read the Government's sentencing memorandum, Paper

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1 Number 63 that was filed on May the 8th.

2 Mr. Budlow, I'll be glad to hear from you.

3 MR. BUDLOW: Thank you, Your Honor. I would also
4 like to address a couple of housekeeping items first. I would
5 like the Court to know that some of the people who are in the
6 courtroom today include representatives from Cecil County
7 Department of Social Services, both supervisors and caseworkers
8 that have been involved with the victim in this case. Also
9 there's --

10 THE COURT: If those people could stand, perhaps, if
11 that's possible, those that are here from Cecil County.

12 Welcome, all of you, and thank you for your work on a
13 very, very difficult case. Very difficult case. I want to
14 thank all of you for your time and please extend my regards to
15 the Cecil County officials up there. Thank you.

16 MR. BUDLOW: Your Honor, there's also representatives
17 from the Cecil County State's Attorney's Office and Cecil
18 County Sheriff's Office who assisted in the investigation, as
19 well, with the Federal Bureau of Investigation.

20 THE COURT: I'd like thank them as well. Nice to
21 have you all here. You're welcome to be here, and I can recall
22 my different tours as a federal prosecutor as well as in
23 private practice and always found the State's Attorney's Office
24 in Cecil County to be topnotch. So nice to have you here.
25 Nice to have you.

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1 MR. BUDLOW: Your Honor, you referenced the victim
2 impact statements from the nonvictims in this case.

3 THE COURT: Yeah.

4 MR. BUDLOW: or the nonvictims of the production.

7 MR. BUDLOW: I want to let the Court know that, I'm
8 not sure if we forwarded these to the Court, but there are also
9 restitution requests that they initially made. They have
10 withdrawn those requests so there's no restitution requests on
11 behalf of those victims.

12 THE COURT: I was going to ask because I didn't see
13 any that had been submitted.

20 THE COURT: And that's essentially for those who were
21 either in foster care or parental assumption of rights, however
22 that plays out in Cecil County, that \$50,000 will be
23 distributed for the benefit of the infant victim, correct?

24 MR. BUDLOW: Yes, Your Honor.

25 THE COURT: okay. And when will that order be

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1 submitted to the Court?

2 MR. BUDLOW: Your Honor, I think the Court can order
3 it as part of the J&C today but I just need to provide the
4 contact information.

5 THE COURT: That's fine. There will be a \$50,000
6 restitution order, and that's not in any kind of monthly
7 payment. That is a full payment of some sort; is that right?

8 MR. BUDLOW: There's currently no assets that the
9 Government is aware of that's just --

10 THE COURT: That's the thrust of my question. I'm
11 not sure between Mr. Colby and Ms. McCroskey what assets they
12 have, and I'm just trying to clarify how do you want that
13 listed? I'll list it as a \$50,000 restitution order.

14 MR. BUDLOW: That's what I'm asking that it be made
15 due immediately as sort of a typical order is, so it would come
16 out of -- I think it's the Inmate Responsibility Program.
17 Then, of course, if either of the defendants were released and
18 worked or if they received any inheritance or won the
19 lottery --

20 THE COURT: Right, that's fine. I'll indicate it be
21 paid immediately and we'll make sure, Mr. Carrick, that the box
22 is checked that it shall come out of any prisoner pay vouchers
23 of any kind.

24 MR. BUDLOW: Thank you, Your Honor.

25 THE COURT: Thank you.

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1 MR. BUDLOW: And I know this is sort of by law any
2 reference to the victim's relationship or name is sealed and
3 redacted, but I'd just like to put it on the record so that
4 when we read the transcript before it's released, the
5 Government will have an opportunity to review that so that the
6 relationship and names can be redacted.

7 THE COURT: That's fine. And that goes for any
8 reference by me in the transcript to the familial relationship
9 between the infant victim and Ms. McCroskey and Mr. Colby, but
10 clearly, Mr. Budlow, it is hard not to address that in the
11 context of the appropriate penalties to be imposed, so I fully
12 intend to do so, but then it can be sealed on the record here.

13 MR. BUDLOW: Agreed, or at least we can review for
14 redactions.

15 THE COURT: That's fine. But this is a matter of
16 public record, so to the extent there are people here in the
17 courtroom, it's a matter of record here publicly.

18 MR. BUDLOW: Understood. Thank you, Your Honor.

19 As you mentioned, there's no dispute as to the guidelines.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]. [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1

2

3 MR. BUDLOW: Your Honor, with respect to the
4 Government's argument --

5 THE COURT: By the way, Mr. Budlow, before we get too
6 deep into the arguments, if you would remind me at the end of
7 these proceedings, Mr. Carrick, as to -- I think it's some
8 seven officials of Cecil County who are here, I'd be glad to
9 have them visit my chambers when we finish these proceedings
10 and personally thank them for their work on this matter.

11 I've seen the FBI agents here numerous times and Special
12 Agent Rachel Corn has been in my courtroom on far too many
13 occasions in terms of these kinds of cases, but I think that as
14 to the efforts that Cecil County has made, I would just
15 personally as a courtesy from this court to that court see them
16 in my chambers afterwards.

17 Any objection, Mr. Walsh-Little?

18 MR. WALSH-LITTLE: Your Honor, not to you seeing them
19 in your chambers. I wanted to address the preponderance
20 finding.

21 THE COURT: Okay. On that matter, I'm going to see
22 them after we end here. On the preponderance matter, you're
23 addressing Paragraphs 144 and 146?

24 MR. WALSH-LITTLE: Yes. And I believe what some of
25 the arguments that the Government made, these texts are texts.

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1 They weren't admissions to law enforcement or --

2 THE COURT: I understand.

3 MR. WALSH-LITTLE: I mean, it would be our position
4 that that's not necessarily enough to make a finding that the
5 actual abuse occurred.

6 THE COURT: No, I don't need to. And I don't -- by
7 preponderance of the evidence, I understand what the Government
8 is proffering, it's not going to be -- it really will have no
9 effect upon the sentence. It has no effect upon the sentence
10 I'm going to impose here.

11 MR. WALSH-LITTLE: Yes, Your Honor.

12 THE COURT: [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 MR. WALSH-LITTLE: Yes, Your Honor. Thank you.

19 THE COURT: That's fine. That's noted. So I
20 understand that, Mr. Budlow.

21 MR. BUDLOW: Thank you, Your Honor. Your Honor, the
22 issue that you have before you today is what sentence should a
23 defendant receive for violently raping an infant over and over.
24 And the Government's view is that by imposing a life-equivalent
25 sentence, at least, that would reflect the life sentence that

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1 she's inflicted [REDACTED]. There can be no question
2 that the defendant's conduct in this case represents just
3 simply the worst of the worst criminal conduct this Court will
4 see, that I have seen, that my co-counsel has seen. There's no
5 question that the conduct was repeated and premeditated, and
6 that it was intentional and the product of the defendant's free
7 choice. And there's also no question that she derived sexual
8 pleasure from this horrific abuse [REDACTED]. And
9 there's also no question that the victim suffered just horrific
10 and indescribable pain during that repeated abuse.

11 So how does the Court provide justice both to the victim
12 and to society for this conduct? Again, by imposing a sentence
13 that demonstrates that these extreme acts will be met with
14 extreme consequences, and a sentence of 230 years, which is the
15 Government's position is the appropriate sentence in this case,
16 will accomplish that.

17 And the Government is aware that we're asking you to
18 impose this not just life-equivalent sentence but 230 years
19 despite the fact that the defendant fairly early indicated an
20 intent to plead guilty and ultimately did plead guilty. And
21 the Government appreciates the fact that the defendant accepted
22 responsibility and then admitted eventually by agreeing to the
23 Government's version to all of the acts, all of her conduct,
24 and that there was no trial. But I want to be clear that the
25 evidence in this case was overwhelming. And so a trial, which

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1 would have been her right, would have resulted in the same
2 situation. There was a confession, there was the videos, the
3 defendant's clearly identified, and no victim would have had to
4 testify. So there was -- the Government was never
5 contemplating calling a victim if the defendant wanted a trial
6 if there would have been a trial.

7 As the Court is aware, in general, child sex abuse is just
8 simply the worst crime imaginable. But here we have not just a
9 child but [REDACTED] an infant. The defendant --

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED] she texted how
15 she was looking forward to it, and she clearly encouraged her
16 codefendant. She egged him on. And all along, she knew
17 exactly who she was because she had been here before.

18 I want to address a few of the defense arguments, and I
19 know Your Honor will in whatever sentence you impose address
20 all of the defense arguments. I'm not going to address all of
21 them but I want to hit on a few.

22 The defendant mentions in passing in her sentencing
23 memoranda that there's remorse. That's what Mr. Walsh-Little
24 wrote. But there has been zero expression of remorse. And if
25 there is one, based on the evidence that the Court has, it

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1 should not be believed. Not only did Summer McCroskey know
2 that she was a pedophile and sexually attracted to [REDACTED]
3 children, but she bragged about her plans to rape that child
4 over and over again [REDACTED]. And I don't
5 know if there could be a worst fact in this case, but one of
6 the worst facts is that she was fully aware of the victim's
7 pain and even believed, hopefully wrongfully so, that the
8 victim would remember the abuse, and it didn't bother her at
9 all.

10 Now, the defendant also claims in her submission and
11 request for a lesser sentence that she should get a lesser
12 sentence because she had a difficult childhood which is
13 documented, that she suffered from abuse and neglect, which is
14 somewhat documented and that she was the victim of sexual abuse
15 herself, which is only slightly documented and it may or may
16 not be true. But this claimed abuse clearly does not justify
17 or excuse the defendant's current exploitive conduct of her
18 infant which is far worse and far more sadistic than anything
19 that she claims to have experienced.

20 The appropriate response to her claim is to encourage that
21 she get services and counseling in combination with the
22 sentence that reflects the seriousness of her conduct. To the
23 extent that this prior abuse has any bearing on these offenses,
24 it is clearly outweighed by the nature of the abuse, the length
25 of the abuse, and the real concerns of the future dangerousness

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1 that the defendant presents.

2 Rather than excusing her criminal conduct, this past
3 alleged trauma suggests really the need for more harsh
4 punishment because if someone should be empathetic and
5 understand the harm caused by child sexual abuse, it should be
6 someone who claims to have suffered it themselves.

7 The defendant also may be implicitly, maybe explicitly
8 depending on your reading of the memo, blames her codefendant.
9 She indicates that it was the desire to please him that she
10 engaged in this conduct. Those claims are just simply not
11 believable. The evidence supports her initiation and personal
12 gratification and her prior sexual interest in children in an
13 overwhelming way and there's three places. One, the messages
14 that I won't read all in detail.

15 THE COURT: But they're all a matter of record in
16 your sentencing memo.

17 MR. BUDLOW: They're in the memo and they're an
18 attachment, and I will touch on a bit of them later, but they
19 show that she often initiated and that she engaged in it and
20 looked forward to it really with glee and that she planned it,
21 not all, but that she was equally or more so engaged in the
22 initiation and planning.

23 Additionally, Your Honor saw and heard the videos of her
24 abuse. She's heard laughing, giggling, making really some of
25 the most vile sexual comments about the acts being perpetuated

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1 [REDACTED] that are almost unimaginable. There's no sense
2 of coercion or intent to please somebody else. As unfathomable
3 as it is, she was thoroughly enjoying what was going on. And
4 the last point, and we made this in our sentencing memo, is
5 that a number of these counts, there's no indication of a
6 second person involved. This is the defendant exploiting and
7 abusing and recording the abuse for her own sexual
8 gratification purely, and the idea that she would blame
9 somebody else for this conduct is just contradictory to common
10 sense and to the evidence in this case.

11 Your Honor, there's -- again, I reference -- I'm not going
12 to go through all of the quotes and it's hard to look at them
13 and decide --

14 THE COURT: I have read through quite a few of them
15 already, Mr. Budlow.

16 MR. BUDLOW: What I did want to remind the Court
17 that's in there, and I referenced this earlier, it's that she
18 had complete knowledge of what she was doing while it was going
19 on, not just that she was sexually attracted to children and
20 that she had that issue, and not just that she was enjoying it,
21 but she was fully aware of pain and trauma and the real risk of
22 lifelong pain and trauma as result of her conduct and then she
23 kept doing it.

24 There's a series of messages between her and her
25 codefendant in November of 2021 where she says "That was the

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1 day you were finally able to go all the way inside of her, too,
2 maybe she got turned on from you hitting a nerve or maybe it
3 was the thought of not being able to stop, but either way she
4 still remembers and I think she'll always remember you raping
5 her."

6 Then she says, "Makes me think maybe it's too late to stop
7 the Pedo stuff, makes me think we should teach her it's normal
8 so we don't get in trouble, all because she remembers how
9 painful your cock is but also how enjoyable it is, too."

10 Later on her codefendant says, "But as of right now I
11 think she's definitely going to remember based on how she
12 acts." The defendant responds "I think so, too. I just don't
13 know how to start without her freaking out about it."

14 Later on the defendant says, "we would have to make it
15 pleasurable for her but it seems like she likes your cock more
16 than the trainers."

17 For the record, Your Honor, I want to make sure the Court
18 understands that what I didn't know when I read this or watched
19 the videos is that trainers are a physical device, an insert
20 that the defendants placed inside of the victim to make access
21 and penetration more easy for them.

22 Lastly, the defendant also wrote in this same exchange,
23 "Or we could be really fucked up and we continue for a few
24 years, rape her, drug her, rape her, cum in all her holes, and
25 when she gets a boyfriend stop and tell her she needs to fuck

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1 him instead."

2 Again, there's thousands of lines like this, and if those
3 existed alone, one would say maybe they were just having some
4 sick conversation, but these are two people who are literally
5 doing and recording everything that they say and it's so clear
6 that she knows every consequence of her action.

7 Based on all of that, 230 years is necessary. When
8 looking at the 3553(a) factors, the first one is that the
9 defendant in this case must be deterred; thus, the only way to
10 do that, based on her history and based on the conduct in this
11 case is make sure that the sentence the Court imposes keeps her
12 in prison for the rest of her life.

13 Your Honor knows that defendants do not age out of their
14 sexual attraction to children, so at whatever age this
15 defendant is, if she has access to a child, she is a danger.
16 The prior incidents in Texas and California, [REDACTED]

17 [REDACTED]
18 [REDACTED] did not stop her from seeking out a
19 like-minded individual, [REDACTED], committing this
20 conduct, and planning to continue to do so.

21 Next, others must be deterred. As much as we wish that
22 there was nobody else in the world like Lawrence Colby and
23 Summer McCroskey, sadly this isn't the first case that's ever
24 existed like this. So others need to know that a significant
25 and a shockingly long sentence will result from this conduct.

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1 Additionally, the Court's sentence should reflect the
2 seriousness of the offense, it should promote respect for the
3 law and it should be a just punishment. This conduct is about
4 as awful as anyone could imagine. And so a shockingly large
5 sentence is necessary to reflect the seriousness, the respect
6 for the law, and the just punishment because this Court has
7 handed down sentences of 40 years and 50 years, in effect life
8 sentences before, and those cases cannot possibly compare to
9 what this defendant has done.

10 Your Honor, I'd also ask you, as I know you would consider
11 in the sentence in this case the lasting impact that the
12 defendant's conduct has had on the victim. Child rape has
13 permanent psychological emotional impact and sometimes lasting
14 physical impact on a child. This case like all of those others
15 will result in years of anguish for the defendant's doing. It
16 will be endured by her and the people who have volunteered to
17 care for her will all suffer the consequences for many years of
18 the defendant's actions.

19 So again, the question is, what's the appropriate sentence
20 for a defendant who violently rapes an infant multiple times
21 over nearly two years, recorded the abuse, disseminated videos
22 of that abuse for the world to watch in ways that will never
23 come back. Those videos are gone. They're out there. The
24 victim's abuse, this is just always going to be there. It's an
25 inconceivable question but with an easy answer. There isn't a

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1 number high enough. But at least 230 years, at least 230 years
2 is appropriate.

3 THE COURT: Thank you, Mr. Budlow. Let me ask you a
4 few questions here. It seems to me that when you refer to a
5 life-equivalent sentence, and I certainly understand your
6 argument in that regard, I think that in terms of a
7 life-equivalent sentence there does need to be an analysis of
8 the groups of sentencing here.

9 The Fourth Circuit has in United States versus Chase, a
10 Fourth Circuit opinion in where certiorari was denied about 20
11 years ago noted the matter of approving stacking of grouped
12 offenses to impose consecutive sentences, and I just need to
13 address that with you for a moment here, if I can.

14 Essentially, as to Count 1, which is the conspiracy to
15 commit sexual exploitation of a child, that is separate from
16 the sexual exploitation of a child itself in Counts 2, 3, 5, 7,
17 8, 9, and 10. As to Count 1, the statutory framework is 15
18 years to 30 years' imprisonment. And then as to the sexual
19 exploitation of a child, Counts 2, 3, 5, 7, 8, 9, and 10, the
20 statutory framework is 15 years to 30 years' imprisonment.

21 As to those, first of all, the conspiracy count is
22 separate from the sexual exploitation of a child and looking at
23 the presentence report, essentially each count relates to a
24 specific event, correct? A specific assault?

25 MR. BUDLOW: Yes, Your Honor.

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1 THE COURT: So what I'm trying to address in terms of
2 appellate review of this is in terms of the sentence imposed,
3 that we -- not so much the matter of stacking as to the
4 different categories, but in terms of within one category, I
5 believe that the position of the Government is that each one of
6 those should have the maximum penalty of 360 months or 30 years
7 and be stacked. I mean, each one is a separate 30-year
8 offense.

9 MR. BUDLOW: Yes, Your Honor.

10 THE COURT: And so as to each offense there should be
11 a 30-year imprisonment?

12 MR. BUDLOW: Yes. That's correct. Each incident
13 of --

14 THE COURT: Now, what I want to clarify is that
15 clearly counts 2 through 10, whether it's Counts 2, 3, 5, 7, 8,
16 9, and 10, those nine counts -- 1, 2, 3, 4, 5, 6, 7 -- that's
17 seven right there, 2, 3, 5, 7, 8, 9, 10, each one is a separate
18 incident of sexual exploitation of a child, okay, as a group.
19 And then Count 1 is conspiracy to commit sexual exploitation
20 which is separate and then Counts 11, 12, 13, 15, and 17,
21 distribution of child pornography that includes depiction of
22 some of these offenses, which obviously are very grotesque,
23 there it's 5 years to 20 years' imprisonment for each one of
24 those counts, correct? That's the statutory range?

25 MR. BUDLOW: Yes.

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1 THE COURT: It's the position of the Government that
2 the Government's requesting that there be a 20-year or a
3 240-month sentence as to Counts 11, 12, 13, 15, and 17 all
4 being consecutive to one another within the group. That's the
5 position of the Government; is that correct?

6 MR. BUDLOW: No, Your Honor. The way the Government
7 is fashioning the 230 years, of course you can do it any way
8 you want with whatever number, is that the seven counts of
9 production would be 30 years each consecutive, and that there
10 would be one consecutive count of distribution, which is Count
11 11.

12 THE COURT: That would include Count 11 --
13 essentially you would want concurrent -- your request is 360
14 months or 30 years' imprisonment consecutive as to the category
15 of Counts 2, 3, 5, 7, 8, 9, and 10; but as to Counts 11, 12,
16 13, 15, and 17 you're requesting a 20-year sentence or 240
17 months as to Count 11, as to Count 12, as to Count 13, as to
18 Count 15, and as to Count 17, all concurrent to one another and
19 those being consecutive.

20 MR. BUDLOW: Yes.

21 THE COURT: Okay. And then finally, as to Counts 19,
22 20, and 21, possession of child pornography, that includes not
23 only the pornography produced by the defendant in connection
24 with the abuse of the infant victim here but other -- others
25 from the series, the Tara series and others, that would be the

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1 statutory framework is not more than 20 years and you're
2 requesting a sentence of 20 years as to Counts 19, 20, and 21
3 to be concurrent to one another and then consecutive overall?

4 MR. BUDLOW: Concurrent to one other and concurrent
5 overall.

6 THE COURT: And concurrent to one another and
7 concurrent overall.

8 MR. BUDLOW: Right.

9 THE COURT: All right. Well, I'm just trying to
10 clarify what your request is. I have to -- it's very important
11 here, to put it bluntly, for purposes of the Fourth Circuit.
12 It's very important here in terms of review of the Fourth
13 Circuit in terms of the sentence imposed and how it's
14 structured is very important that my view is is that there is
15 some stacking to occur here but it is very important in terms
16 of not creating needless legal issues and a legal history of
17 this case over the matter of the propriety of stacking within
18 certain groups, and that's what I'm trying to address and
19 that's what's guiding the Court.

20 What we don't need is to have there be four years of
21 litigation over the appropriate sentence here over what's
22 stacked and what's not stacked and how is it, so I was trying
23 to clarify what your request is so that it's clear when I
24 impose a sentence how I structure it that the Fourth Circuit
25 will have a complete record. So I think we're clear on that.

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1 You basically asked for -- for the sentence on Counts 2, 3, 5,
2 7, 8, 9, and 10 all within that group all to be stacked
3 individually at the maximum of 30 years, in addition to the 30
4 years on Count 1, all consecutive, and then one sentence of 20
5 years or 240 months as to Counts 11, 12, 13, 15, and 17 to be
6 consecutive to those other sentences and then a sentence of 240
7 months or 20 years as to Counts 19, 20, and 21, all being
8 concurrent with those other sentences. That's what the request
9 of the Government is.

10 MR. BUDLOW: That is. There's just one point of
11 clarification, which is the Government's view is that the first
12 210 years come from the substantive counts of sexual
13 exploitation as you've mentioned seven counts, 2, 3, 5, 7, 8,
14 9, and 10. We didn't discuss necessarily what the Court would
15 do with Count 1, which is not necessary to get to that 210.

16 THE COURT: No, no. No, Count 1 is the conspiracy
17 count. It is separate.

18 MR. BUDLOW: Yes.

19 THE COURT: I'm clear on that. So I'm trying to make
20 sure I give the Government an opportunity to respond to how I'm
21 analyzing this. Count 1 is separate from Counts 2, 3, 5, 7, 8,
22 9, and 10 in terms of the offense and in terms of any analysis
23 of stacking. The issue I'm trying to address if there is some
24 jurisprudence as to stacking with respect to the specific
25 offense so the stacking issue is addressed in the sexual

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1 exploitation of a child Counts 2, 3, 5, 7, 8, 9, and 10, all
2 being each individual event is a separate event as to which the
3 Government is requesting there be stacking. So I'm just trying
4 to clarify that.

5 MR. BUDLOW: And the last just point I would add in
6 terms of what you were saying is that all of those seven counts
7 are on different dates and different conduct.

8 THE COURT: I understand.

9 MR. BUDLOW: Thank you, Your Honor.

10 THE COURT: And the conspiracy charge is totally
11 separate. That's not a matter of stacking within that
12 framework. It's a conspiracy charge that covers all of that
13 conduct in terms of the conspiracy to commit that sexual --

14 MR. BUDLOW: That's correct.

15 THE COURT: -- exploitation.

16 MR. BUDLOW: Thank you.

17 THE COURT: Thank you. Because the conspiracy charge
18 is conspiracy to commit sexual exploitation of a child. That's
19 the charge at Count 1.

20 MR. BUDLOW: Yes.

21 THE COURT: All right. Thank you, Mr. Budlow. And
22 with that, Mr. Walsh-Little, I'll be glad to hear from you. I
23 have read your sentencing memorandum, Paper Number 56, and have
24 reviewed the attachments thereto. I'll be glad to hear from
25 you.

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1 MR. WALSH-LITTLE: Yes, Your Honor. Thank you. Just
2 initially, Your Honor, I'd make two specific recommendations on
3 behalf of Ms. McCroskey that you recommend sex offender
4 treatment while she's in Bureau of Prisons, number one; and
5 number two, you recommend that she be placed somewhere where
6 she can involve in programming in the culinary arts. That's
7 something that she's interested in.

10 MR. WALSH-LITTLE: Yes, Your Honor.

11 THE COURT: All right. Wait one second here. With
12 that, I'll be glad to hear from you, Mr. Walsh-Little.

20 Section 3 of the Government's sentencing submission talks
21 about the effects of sexual exploitation and talks about how
22 horrible it is, and it is horrible, and I'd like to highlight a
23 couple points from the Government's submission, that sexual
24 exploitation leads to sexually inappropriate behavior on behalf
25 of victim. It leads to a tendency toward being revictimized.

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1 It leads to a connection between the sexual abuse and
2 depressive behavior and suicidal behavior. It's often
3 connected to prostitution. And maybe most relevantly for
4 sentencing of Ms. McCroskey, there's a link between the abuse
5 and later sexual maladjustment, all of that applies to the
6 victim in this case. No one is defending the conduct here. My
7 client admitted to the conduct at her guilty plea. But I would
8 suggest to you, Your Honor, that those factors also apply to
9 Ms. McCroskey because she, too, was abused over and over again
10 during her childhood.

11 The Government mentions and cites a number of defendants
12 who've been sentenced who are also first offenders on cases
13 like this as analogous sentences. I don't know what the
14 history and characteristics of any of those defendants are, but
15 I think when you look at Ms. McCroskey's history, it is --
16 suggests that she has had trauma from even before she was born
17 when she was in utero and subject to drugs that her mom was
18 taking at the time and that continued throughout her life.

19 We didn't submit any character letters because
20 Ms. McCroskey doesn't have any supportive family or friends to
21 reach out to and present to the Court. And I would suggest
22 that when you look at her trauma, I can't find one relationship
23 that she's had, either as an -- when she was a child, as an
24 adult that was constructive and helpful and was a role model
25 and taught her good values and also as an adult. She is very

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1 much a product of that abuse. That does not in any way limit
2 the choices that she made in this case. I'm just saying it as
3 an explanation to how, which is, as the Court pointed out, how
4 does someone get to the point where they're not following the
5 appropriate parental instinct and in fact they're going
6 absolutely to the most horrendous conduct.

7 I would suggest, Your Honor, that occurs in part because
8 of the trauma that Ms. McCroskey herself has faced. That
9 trauma mostly when she was younger was perpetrated by men,
10 mostly, and it affects her relationship with men. And it was
11 also mostly trauma that was of a sexual nature. And it causes,
12 as the Government argued, to maladjusted, wrong, morally
13 outrageous behavior in part in this case.

14 How does someone end up doing some of this conduct? I
15 believe it is tied to Ms. McCroskey's trauma. As I indicated,
16 she was subject to drugs when she was in her mother's womb.
17 Her mother it's clearly documented was an addict, was not there
18 for her. She was a special needs student at school, struggled
19 with some of the mental diagnoses that were in the PSR.

20 Her stepfather sexually abused her at the age of three. A
21 boyfriend of her grandmother's exposed himself to her at the
22 age of 10 or 11. She herself was raped at age 14. And soon
23 after that, she was exposed to a couple, a man and a woman, who
24 invited her into sexual conduct that included bondage,
25 sadomasochism at age 14. That's all when she's in Texas. Not

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1 || surprisingly, she drops out of school and flees.

2 She follows a man to Louisiana where she has a
3 relationship with that person and starts, as the PSR indicates,
4 prostituting herself to a local -- it's one of the armed
5 forces, I can't remember if it's a Navy base or an Army base.
6 Her entire, her entire sexual history is broken, maladjusted,
7 inappropriate. I don't know if she's ever been exposed to a
8 normal or what, you know, the conduct should be. It doesn't
9 excuse the conduct. We are not excusing the conduct. She pled
10 guilty and acknowledges the conduct. The conduct is horrific,
11 but I think the Court should consider how she ends up there.

12 She is not -- we are not claiming duress or coercion from
13 Mr. Colby. She has admitted the conduct. What I was
14 suggesting in the memo was that if you look at the facts, she
15 meets Mr. Colby on a dating site, she's in California,
16 Mr. Colby is in Maryland, Mr. Colby is 10 years her senior, she
17 come to Maryland, she has no connections to Maryland, she
18 barely has a job in Maryland, and very much she doesn't have
19 the skills to appropriately interact in any of her
20 relationships, but I do think it's specific in part to men
21 based on her abuse.

22 And that does not excuse the choices that she made here.
23 We are not saying that she should have some kind of -- that
24 I've never argued duress or coercion. It's just I do think
25 that explains part of the way that she interacts which is in

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1 part the way that she was taught and all of the trauma that she
2 herself faced, and I ask the Court to consider that.

3 She's 25 years old. She has no criminal history. I do
4 believe she is remorseful. I mean, she's certainly expressed
5 that to me. She pled guilty. we had to plead guilty to the
6 entire indictment, as the Court knows. She didn't want a trial
7 in this case. You know, she came in and admitted her conduct.
8 She knows that it's wrong and I do think she needs treatment.
9 I'm not saying that that replaces a prison sentence, but that
10 is a factor I think the Court should consider.

11 Additionally, Your Honor, and I won't -- she's now held in
12 the -- I forget the name of the jail now that the Marshals are
13 sending people in the middle of Virginia, that's where she
14 presently is, most of the time I've represented her she was at
15 the Harford County Detention Center. She dropped out of high
16 school so she does not have a high school diploma. She did
17 take whatever programming was available. She brought me some
18 of her certificates. I'll just for the Court's time just
19 summarize these. It looks like a number of programming about
20 self-awareness and identity, self-esteem, a cognitive behavior
21 therapy, relapse prevention, unlocking your thinking, opening
22 your mind.

23 I'm not suggesting that, again, any way that excuses this
24 conduct, but I think it does show at least an interest on her
25 part to take advantage of the programming that is there. I do

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1 think obviously she needs treatment. The BOP provides that
2 treatment, and I'd ask the Court to consider all that and
3 consider a sentence that is substantial but much lower than
4 what the Government is asking for. Thank you.

5 THE COURT: Thank you very much, Mr. Walsh-Little.
6 And again, thank you for your taking this case as
7 Court-appointed counsel.

8 If you'll please stand, Ms. McCroskey. I now personally
9 address you and give you an opportunity to speak on your own
10 behalf and determine if you wish to make a statement. Would
11 you like to make a statement?

12 THE DEFENDANT: Yes.

13 THE COURT: If you will, on that, why don't you
14 just -- I want to make sure Ms. Longmore, the court reporter,
15 can hear you clearly. You can keep your mask on and just speak
16 clearly into the microphone, please.

17 THE DEFENDANT: Your Honor, I understand I have hurt
18 people. I'm taking responsibility for my actions and I'm very
19 remorseful for what happened. I get sad when I think about it.
20 I've started doing programs at Harford County in early January.
21 I've been attending bible study with the girls in central
22 Virginia jail and I'm getting therapy and I will continue to
23 seek therapy in prison. I want to be a better person. I would
24 like the opportunity to go back into society one day as a
25 better -- as a better person and a more educated person.

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1 Thank you for listening.

2 THE COURT: Thank you, Ms. McCroskey. Give me one
3 second here.

4 (Pause in proceedings.)

5 THE COURT: The facts of this case are shocking, to
6 say the least. In my years as an experience here in this
7 Court, twice as a federal prosecutor, many years as a private
8 attorney, 20 years on the bench, I don't know that I've ever
9 been able to use this word before but this is depraved.
10 Depraved conduct. I mean, this is just absolutely the most
11 horrific thing I have ever heard. And I've thought long and
12 hard about this particularly since meeting with counsel looking
13 at the videotape on Monday. And we've had some pretty nasty
14 people come through this courtroom, but this is just about the
15 bottom of the barrel [REDACTED]
16 [REDACTED], it just shocks the
17 conscience.

18 Depraved doesn't even begin to approach. Mental health
19 issues don't even begin to approach this. Beating and abusing
20 a child, murdering a child doesn't begin to approach this. And
21 it is so shocking that the Court -- the Court has to provide
22 the discipline to give it structure in terms of how does
23 society deal with something like this. And it is easy just to
24 tally up the numbers and impose a sentence of 233 years and
25 that really -- that's more than a life-equivalent sentence.

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1 The sentence here should be life equivalent. You are a human
2 being. You haven't acted like a human being. You've acted in
3 some type of cannibalistic fashion. But you still are a human
4 being in front of the Court and the Court cannot allow itself
5 to come into that depth of treating you like some kind of
6 animal, even though you treated another human being, [REDACTED]
7 [REDACTED], like some kind of animal.

8 And it's very important to note that we've conducted a
9 very careful analysis here in terms of the nature and
10 circumstances of this offense which are absolutely horrific. I
11 mean, horrific. That's the only word that can be used to
12 describe it. It is horrific. And it is my desire to make sure
13 that we don't get lost in all kind of legal technicalities and
14 drag out this whole pain for the system in terms of how the
15 sentence is structured.

16 So the record will reflect that my question to Mr. Budlow
17 earlier was as to the matter of how we deal with what's called
18 a stacking issue. So the record is clear, the cases deal with
19 when there is an offense that's, to me, individually each
20 consecutive time whether you continue to stack it for each
21 time. And the Court's have grappled with that. The Supreme
22 Court continues to grapple with stacking in certain types of
23 cases. It is my strong desire to bring closure to this and not
24 have there be an unnecessary stacking issue that raises its
25 head down the road, because this case, this case is so horrific

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1 that it shouldn't even need to be addressed anymore by the
2 judicial system in terms of the appropriate sentence here, so
3 that is what I grapple with as well to try to structure
4 something that is appropriate and is in fact life equivalent.

5 with all due respect to Mr. Walsh-Little, who's an
6 excellent lawyer and has a great reputation before this Court,
7 a 15-year sentence would be positively absurd in this case. It
8 doesn't begin to approach the gravity of it. But I just can't
9 throw down 230 years and leave it at that and leave the
10 appellate courts trying to structure out perhaps what is more
11 temperate.

12 Mr. Budlow used the phrase life-equivalent sentence when
13 he started these proceedings, and I took note of that. That's
14 what we're trying to structure here is a life-equivalent
15 sentence. The guideline range is life. And you are --
16 presently you are 25 years old and essentially this sentence is
17 going to amount to life. There may be some light for you at
18 the end of the tunnel, possibly for good time credit many, many
19 years down the road.

20 (Conference at the bench. It is the policy of this
21 Court that every guilty plea and sentencing proceeding include
22 a bench conference concerning whether the defendant is or is
23 not cooperating.)

24 THE COURT: So in structuring this sentence I've
25 tried to carefully do these calculations here and to avoid what
I think could be a potential stacking problem and come to the

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1 following sentence.

2 First, as to the sentence for Count 1, conspiracy to
3 commit sexual exploitation of a child, the statutory maximum is
4 30 years imprisonment. You shall receive the statutory maximum
5 of 30 years imprisonment, 360 months for a barbaric conspiracy
6 in which two adults seemed to take delight in the pain of a
7 child and the abuse of a child. It's positively nauseating.

8 As to Count 2, the charge of sexual exploitation of a
9 child, the statutory framework a minimum of 15 years, 30 years
10 imprisonment. The sentence will be 30 years imprisonment,
11 maximum, for 360 months. And each specific incident is obscene
12 and nauseating, and God have mercy on your soul.

13 But in terms of stacking, Counts 2, 3, 5, 7, 8, 9, and 10
14 are all identically obscene conduct and the Court chooses not
15 to just keep adding them up 30 years each time. That is the
16 area of stacking that creates danger for the court system and
17 creates potential unnecessary appellate issues.

18 So the sentence is 360 months on Count 2, Count 3, Count
19 5, Count 7, Count 8, Count 9, and Count 10 in terms of the
20 sexual exploitation of a child. Those sentences in Counts 2,
21 3, 5, 7, 8, 9, and 10 are each 360 months. They will run
22 concurrent to one another and consecutive to Count 1. So it's
23 essentially 360 months on Count 1, and 360 months on Counts 2,
24 3, 5, 7, 8, 9, and 10, concurrent with one another and
25 consecutive to Count 1, which comes there to a total of 720

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1 months.

2 And then we get to the category of the distribution of
3 child pornography, Counts 11, 12, 13, 15, and 17, and as
4 horrific as this crime is, to then utilize it in terms of
5 distributing child pornography and videotaping is just off the
6 charts. off the charts. And the statutory maximum there is 20
7 years' imprisonment and you deserve 20 years' imprisonment
8 separately for that. And it shall be 240 months as to Count
9 11, but the distribution charge as well as to Count 11, 12, 13,
10 15, and 17 are identical and to stack each one with each
11 distribution gets into an unnecessary stacking problem.

12 And as I've mentioned, stacking has been addressed by the
13 Fourth Circuit in a general context in United States versus
14 Chase at 296 F.3d 247, a Fourth Circuit opinion in which it did
15 approve stacking of grouped offenses to impose consecutive
16 sentences, and certiorari was denied by the Supreme Court in
17 2002 at 537 US 1023. I don't need to get too deep in the weeds
18 on the matter of stacking, but I want to make sure the Fourth
19 Circuit is understanding the precautions I'm taking on this.

20 Those 240-month sentences, 20 years on each one of these
21 counts, 11, 12, 13, 15, and 17, shall be concurrent to one
22 another -- Mr. Carrick, I'll go over this very carefully --
23 they'll be concurrent to one another and they will be
24 consecutive to the 360 months on Count 1 and the 360-month
25 concurrent sentences on Counts 2, 3, 5, 7, 8, 9, and 10. So

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1 that come to a total of 960 months.

2 The sentences on Counts 19, 20, and 21 in terms of
3 possession of child pornography, it's anywhere from -- the
4 range of up to -- by statute up to 20 years' imprisonment. The
5 sentences there shall be 5 years or 60 months on Counts 19,
6 Count 20, and 21. They shall be concurrent to one another and
7 concurrent to all the other sentences I've just noted.

8 So according to my calculations, that comes to 960 months
9 which comes to exactly 80 years' imprisonment. Is that a
10 correct calculation from the point of view of the Government,
11 Mr. Budlow, in terms of my number calculation?

12 MR. BUDLOW: It is, Your Honor.

13 THE COURT: I'm not asking you opine on it. I'm just
14 asking have I done the arithmetic correctly.

15 MR. BUDLOW: It is, and I may have missed it, I want
16 to clarify that the group relating to distribution is
17 consecutive not just to Count 1 but also consecutive to --

18 THE COURT: Yes, it's consecutive to -- well, it
19 doesn't make a difference, but it's consecutive to all the
20 other counts above.

21 MR. BUDLOW: Thank you.

22 THE COURT: That's exactly right.

23 Have I done the arithmetic correctly, Mr. Walsh-Little?

24 MR. WALSH-LITTLE: Yes, Your Honor.

25 THE COURT: So it's a 960-month sentence which

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1 translates out to 80 years. You shall get credit for time
2 served in federal custody since June 23, 2022. I shall also
3 recommend that you get credit for time served in state custody
4 from February 12, 2022 to June 22, 2022, pursuant to --
5 Mr. Carrick -- § 3585 of Title 18. So that's a total sentence
6 of 80 years in prison with credit for time served going back to
7 June of last year. I don't have jurisdiction to order credit
8 for time served in state custody but it's clearly the same
9 offense and under 18 United States Code § 3585(b) you shall get
10 credit for that as well. So it essentially will work out to an
11 80-year sentence minus perhaps some year and four months or a
12 year and three months.

13 I'm going to recommend you get sex offender treatment.
14 I'm going to recommend that you get your GED. I'm going to
15 recommend that you get vocational training in the culinary
16 arts. I'm going to recommend you get psychological counseling
17 and mental health treatment counseling. I'm going to recommend
18 that you participate in a drug abuse program for which you're
19 eligible.

20 In terms of the designation here, Mr. Budlow, the
21 designation that comes to mind automatically here for female
22 offenders is FCI Alderson in Alderson, West Virginia, but I'm a
23 little bit unclear in terms of the security level because that
24 security level is a minimum security level facility and I have
25 to take some time here on a recommendation here because I'm not

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1 sure she's eligible to be at a minimum security facility with
2 the length of an 80-year sentence in this matter. If the
3 Government has any other suggestions on that, I'll be glad to
4 hear from the Government and then from defense counsel, but I'm
5 initially going to recommend FCI Alderson but I'm actually
6 going to try to look into this quickly here right now. I'm not
7 sure where else I can recommend.

8 MR. BUDLOW: The Government has no position on the
9 designation.

10 THE COURT: Thank you. Mr. Walsh-Little, any other
11 recommendation as to designation?

12 MR. WALSH-LITTLE: No, Your Honor.

13 THE COURT: Give me one second here. Let me check
14 one other matter before I continue. If you'll remand standing,
15 please, Ms. McCroskey. I'm going to recommend FCI Danbury
16 Connecticut, and the reason for it is that FCI Alderson, West
17 Virginia automatically is a minimum security facility. In
18 light of the 80-year sentence that I've imposed, the Danbury
19 facility houses I believe both male and female populations and
20 it references there is an adjacent satellite prison that can
21 house low security female offenders and it's unclear to me --
22 I'm going to recommend FCI Danbury in Danbury, Connecticut or
23 alternatively any other facility housing female inmates, to
24 include but not be limited to FCI Alderson, West Virginia. If
25 you'll make all those notes, Mr. Carrick, we'll deal with that

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1 when we structure the Judgment and Commitment Order.

2 I recognize, Ms. McCroskey, your life has been almost a
3 continuous series of trauma, but -- and I certainly acknowledge
4 and recognize the abuse which you appear to have suffered as a
5 child, but -- [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED], but I've considered you to be
9 a threat to the community and I believe that you are in a rare
10 category of a serial child molester and you do represent a
11 threat to the community and you shall be treated as such.

12 I'm going to place you on supervised release for life and
13 there are mandatory conditions. If there's any possible
14 supervised release as to which you're entitled, and I don't see
15 that you would ever be given supervised release, but to the
16 extent that that were to be considered for you, make sure we're
17 clear on this as well, I think probably the most consecutive
18 way to -- the most reasonable way to do this is the Court shall
19 impose a term of supervised release of 5 years to life as to
20 these various counts. I'm going to impose a sentence of --
21 period of supervised release of 80 years on each one of these
22 counts, each one to run concurrent with one another for a
23 period of 80 years on supervised release with the following
24 terms of, first of all, the mandatory conditions.

25 You must not commit any other federal, state, or local

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1 crime. You must not unlawfully possess a controlled substance.
2 You must refrain from any unlawful use of a controlled
3 substance and must submit to a drug test upon your release if
4 you're ever released from prison. I'm going to order that you
5 make restitution in the amount of \$50,000. Mr. Carrick, we'll
6 list that as \$50,000 being paid by means of payment from the
7 prisoner relief fund, whatever the phrase there that's on the
8 Judgment and Commitment Order, and the restitution will be in
9 accordance with 18 United States Code § 3663.

10 You are to cooperate in the collection of DNA. You are to
11 comply with the requirements of the Sex Offender Registration
12 and Notification Act. That will be checked as well in that
13 category, Mr. Carrick. And you're also to participate in any
14 approved program for domestic violence in the event that you're
15 released on supervised release. They are the mandatory
16 conditions.

17 In terms of standard conditions, you must report to the
18 Probation Office in the federal judicial district where you are
19 authorized to reside within 72 hours of release if that were to
20 occur. After initially reporting you will receive instructions
21 as to when and how to report. You must not knowingly leave the
22 federal district where you are authorized to reside without
23 first getting permission. You must answer truthfully all
24 questions asked of you by the probation officer. You must live
25 in a place approved by the probation officer, all of which are

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1 listed here in the Judgment and Commitment Order. You must
2 allow the probation officer to visit you at any time. You must
3 make every effort to work full-time. You must not communicate
4 or interact with anyone that you know is engaged in criminal
5 activity.

6 If you're questioned by law enforcement, you must notify
7 your probation officer within 72 hours. You're not to own,
8 possess, or have access to a firearm, ammunition, destructive
9 device. You must not act or make any agreement with a law
10 enforcement agency to act as an informant. If you're
11 determined to pose a risk to any other individual, you are to
12 abide by the instructions of the probation officer. In short,
13 you are to follow the instructions of the probation officer
14 relating to conditions of supervised release if and ever you're
15 released on supervised release.

16 In addition to those mandatory and standard conditions,
17 you are to allow the probation officer to install computer
18 monitoring software on any computer that you use. You must
19 submit your computers to any kind of check in terms of the
20 search of the use of it. You must allow the probation officer
21 to conduct initial and periodic unannounced visits. You must
22 warn any other people who have computers or devices capable of
23 accessing Internet that the devices may be subject to search
24 pursuant to this condition. I'm going to require that you
25 participate in a substance abuse treatment program and a mental

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1 health program and any educational programs that are necessary
2 as well.

3 You are not to have any direct contact with any child that
4 you know or reasonably know to be under the age of 18. You are
5 not to communicate in any way whatsoever with any victim of
6 this crime. [REDACTED]

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 You're not to view or possess any visual depictions of any
15 kind of sexually explicit conduct. You're not to rent a post
16 office mailbox without the approval of the probation officer.
17 You are not to go near any areas where children under the age
18 of 18 are to be including parks or schools. You are to
19 participate in any sex offender assessment that is deemed
20 necessary. All those are conditions of supervised release if
21 you were to ever be released on supervised release in any way
22 in terms of serving your 80-year sentence in this case.

23 I want to advise you of your appeal rights. Pursuant to
24 4(b) of the Federal Rules of Appellate Procedure, you have the
25 right to appeal your guilty plea in this case, as well as the

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1 sentence imposed. If you could not afford an attorney to
2 represent you, pursuant to 18 United States Code § 3006, an
3 attorney can be appointed to represent you.

4 Mr. Walsh-Little, you do not need to contact the Court,
5 but just make sure your own file reflects whether she does or
6 does not want to file an appeal and you may take the
7 appropriate steps thereby.

8 MR. WALSH-LITTLE: Yes, Your Honor.

9 THE COURT: Is there anything further from the point
10 of view of the Government, Mr. Budlow?

11 MR. BUDLOW: A couple of matters, Your Honor. I'm
12 not sure if you mentioned the special assessment with respect
13 to -- \$100 with respect to each count.

14 THE COURT: No, I did not. I missed -- no, I'm
15 sorry. That's correct. It's \$100 for each count. I
16 overlooked that. I apologize. \$100 for each count so
17 that's -- that will be again deducted from your prison wages,
18 and there are a total of 16 counts, so that's \$1600 in special
19 assessment. Anything else, Mr. Budlow?

20 MR. BUDLOW: There's two other special assessments
21 that apply. The first one is under 18 U.S.C. 3014 is a
22 mandatory \$5,000 special assessment, unless the Court finds
23 that the defendant is indigent.

24 THE COURT: She is indigent, and I'm not going to
25 assess that. It's just creating unnecessary paperwork.

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1 MR. BUDLOW: Understood. There's yet a third special
2 assessment that applies in child pornography production.

7 MR. BUDLOW: Okay. There's also another special
8 assessment under 18 United States Code 2259(a) that imposes a
9 mandatory \$50,000 special assessment for each count of
10 production of child pornography. That analysis is subject to
11 the Court's discretion under 3553(a) and the Government will
12 submit on that, but that is what the statute --

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1 MR. BUDLOW: Understood, Your Honor. The last point,
2 a little more substantive, as the Court has referenced the
3 Fourth Circuit and I've been back on resentencings multiple
4 times, I'm aware of certain relatively recent cases, Blue,
5 Slappy, US v. Ross, where cases have been reversed for the
6 Court not addressing nonfrivolous defense arguments in
7 mitigation, and I'm not indicating that the Court has, but I
8 thought that if the Court would be willing to invite the
9 defense to indicate whether or not the defense believes that
10 the Court did not address any of those nonfrivolous mitigation
11 arguments that Your Honor could make that record.

12 THE COURT: Just hold on one second here. You're
13 specifically referring to the -- again, you did not have this
14 in your sentencing memorandum, I don't believe, Mr. Budlow. I
15 apologize that I didn't do any independent research on this but
16 I don't see your reference to Slappy anywhere in your very
17 exhaustive memo. If I missed it, I apologize. Did you refer
18 to Slappy in your memo?

19 || MR. BUDLOW: I did not, Your Honor.

20 THE COURT: okay. That's all right. I didn't
21 research it myself. It would have been helpful -- if you're
22 going to raise that, it would be helpful if you'd let me know.
23 So we'll stop here for a minute.

24 872 F.3d at 207, you correctly note that the Fourth
25 Circuit dealt with the District Court's failure to address

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1 defendant's nonfrivolous arguments in favor of a sentence
2 within the advisory guideline range or to explain why a maximum
3 statutory sentence was necessary was plainly unreasonable and
4 vacated and remanded for resentencing.

5 I've indicated that I've listened to what you had to say
6 about her abuse. I understand the -- I've reviewed her
7 history. It's not been documented but I quite frankly
8 considered it and I assumed that it was. She does -- is a
9 victim, as Mr. Walsh-Little has noted, and that it begat this
10 horrible conduct on her part. But it doesn't affect -- I have
11 considered it. It still does not in any way drive me from the
12 sentence I've imposed.

13 Anything else you want to note on that, Mr. Walsh-Little?

14 MR. WALSH-LITTLE: No, Your Honor. There's one other
15 issue I wanted to raise whenever.

16 THE COURT: You're certainly free to raise whatever
17 issues you want on appeal, which is fine.

18 MR. WALSH-LITTLE: No, Your Honor, just from the
19 judgment. The parties' agreement was that the restitution
20 amount was to be joint and several. I would just ask that.

21 THE COURT: Yes, it will be joint and several with
22 her codefendant yes, without question, her codefendant
23 Mr. Colby who has not yet been sentenced by me, and that is
24 joint and several. Thank you for that, Mr. Walsh-Little.

25 And I would also note that the victim impact statement

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1 here of the infant victim by representative of the infant
2 victim -- Mr. Carrick, this will be Court Exhibit 2, I believe,
3 and that will be included there in that.

4 Yes, Mr. Budlow, anything else further on this?

5 MR. BUDLOW: Nothing further, Your Honor. I would
6 ask that when the proceeding is over if counsel could approach
7 the bench momentarily on something unrelated.

8 THE COURT: Both you and Mr. Walsh-Little?

9 MR. BUDLOW: Yes, please.

10 THE COURT: And Ms. McGuinn, that's fine. Why don't
11 you come up before I adjourn for the day. I do want to see the
12 Cecil County officials back in chambers come on up. You're
13 welcome to come on up, and just put the noise machine on for a
14 minute here. This is still on the record but it will be here.

15 (The following discussion occurred at sidebar:)

16 THE COURT: I'm sorry, Paul. I didn't see you
17 mention Slappy and I guess you're right, I have to make sure I
18 indicated that. I just didn't see it.

19 MR. BUDLOW: I don't typically reference it, but I
20 just had a case reversed.

21 THE COURT: That's okay. No, it just would help if
22 you had let me know ahead of time. I could have made sure I
23 crossed that T and dotted that I, but I think I have.

24 MR. BUDLOW: Thank you. Your Honor, I actually
25 wanted to approach about your request to meet with the parties.

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1 I just wanted to note that the other sentencing in this matter
2 for Mr. Colby, a lot these people will probably come back
3 again, I'm concerned that Ms. Banan is not here who represents
4 Mr. Colby to know of any potential objection.

5 THE COURT: All right. That's a point well taken.
6 Once this is over, once Mr. Colby's been sentenced, then I'll
7 meet with them.

8 MR. WALSH-LITTLE: Is she in the back?

9 MR. BUDLOW: Oh, I think she's in the back.

10 THE COURT: That's fine. I won't meet with them.
11 That's fine. I'll meet with them after I've sentenced
12 Mr. Colby.

13 (End of sidebar discussion.)

14 THE COURT: All right. On the record, I note that
15 the Assistant Federal Public Defender Ms. Banan is here who
16 represents the codefendant, Mr. Colby. Mr. Budlow has
17 suggested, I think that's correct that I won't meet with the
18 Cecil County officials and all the work that they've done in
19 this case until after Mr. Colby is sentenced. And once
20 Mr. Colby has been sentenced, then I will be glad to meet with
21 the Cecil County officials in this matter.

22 And I think we've covered any concerns as to the Slappy
23 case as well. I've done the best I can do to try to define the
24 sentence that I've imposed, which is obviously below what was
25 recommended by the Government and is certainly in excess of

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1 what was recommended by the defense, but I think it has it
2 right in terms of how it's structured and it essentially is a
3 life-equivalent sentence but there is some possible light at
4 the end of the tunnel many, many years from now for this
5 defendant.

6 Anything else, Mr. Budlow, from your point of view?

7 MR. BUDLOW: No, Your Honor. Thank you.

8 THE COURT: All right. Mr. Budlow, Ms. McGuinn,
9 thank you very much for your work on this case.

10 MS. MCGUI NN: Thank you.

11 THE COURT: And Agent Corn and Agent Gianforcaro,
12 thank you for your hard work on this case and, again, the Cecil
13 County officials as well, and I will see you all back here soon
14 on Mr. Colby's sentence. What day is he being sentenced?

15 MR. BUDLOW: August the 15th.

16 THE COURT: In August, okay. I'll see you back here
17 then. Thank you all very much. Anything else,
18 Mr. Walsh-Little, from your point of view?

19 MR. WALSH-LITTLE: No, Your Honor. Thank you.

20 THE COURT: Court stands adjourned for the day.
21 Thank you all very much.

22 THE CLERK: All rise. This Honorable Court stands
23 adjourned.

24 (The proceedings concluded at 1:06 p.m.)

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5 CERTIFICATE OF OFFICIAL REPORTER6 I, Amanda L. Longmore, Registered Professional Reporter,
7 in and for the United States District Court for the District of
8 Maryland, do hereby certify, pursuant to 28 U.S.C. § 753, that
9 the foregoing is a true and correct transcript of the
10 stenographically-reported proceedings held in the
11 above-entitled matter and that the transcript page format is in
12 conformance with the regulations of the Judicial Conference of
13 the United States.14
15 Dated this 19th day of June 2023
16 -S-17
18 AMANDA L. LONGMORE, RPR, FCRR
19 FEDERAL OFFICIAL COURT REPORTER
20
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